

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA

v.

4:06CR58

ANTONIO MONTELL GOINGS, JR.,

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

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Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty pleas to possession with intent to distribute cocaine base (Count 1), and use of a firearm in relation to a drug trafficking crime (Count 2), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and 18 U.S.C. § 924(c). Defendant is also charged with possession of a firearm with the serial number removed (Count 3), and a forfeiture count, in violation of 18 U.S.C. §§ 922 (K) and 924(a)(1)(B), and 21 §U.S.C. 853. Defendant understands that these charges will be dismissed upon acceptance of his guilty pleas, and the United States confirmed defendant's understanding.

Defendant was represented by appointed counsel, Arenda L. Wright-Allen, Esquire. On July 28, 2006, defendant appeared before the Court for the purpose of entering his guilty pleas. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was

courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending preparation of a presentence report.

Defendant is twenty-two years of age, attended school through the eleventh grade, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty pleas pursuant to a pleas agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Norfolk, Virginia  
July 28, 2006

/s/  
**James E. Bradberry**  
**United States Magistrate Judge**



Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of  
the following:

Arenda L. Wright-Allen, Esquire  
Federal Public Defender's Office  
Town Point Center, Ste. 403  
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Norfolk, VA 23510

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Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2006